

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60638-2023
Date of decision: 07.12.2023

NARENDER @ SOLDER

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anoop Kumar Yadav, Advocate for the petitioner.

Mr. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition is made for grant of regular bail in case FIR No. 214 dated 25.08.2020 registered under Sections 379-A, 120-B of Indian Penal Code at Police Station IMT Sector 7, Manesar, Gurugram.

2. The present FIR was lodged on the statement of Vinod Saharan on the allegations that on 24.08.2020, he had gone to Sector 4 IMT, Manesar to meet his friend and after meeting his friend, he was coming to his home at Hisar in his White Scorpio. While he was on his way back, he stopped his car on the left side of the road and got down for doing some work. As soon as he got down from the car, one unknown person came there and forcibly snatched the key of his car and took the car away. It was around 8:30 in the night.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and there is nothing on record to establish the identity of the petitioner. The investigating agency has not conducted the Test Identification Parade to establish the identity of the petitioner to be the

person responsible for the theft of the car. Learned counsel further contended that the petitioner was already on regular bail granted by the learned trial Court on 29.01.2021 and thereafter on 11.04.2022, he could not appear before the trial Court due to unavoidable circumstances and his bail was cancelled. The petitioner is in custody since 12.04.2023.

4. Per contra learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in two more cases. As such he is habitual offender and does not deserve the concession of regular bail. Learned State counsel further submits that the petitioner has already misused the concession of bail earlier and there is every likelihood that he will not appear before the trial Court and this would impede the progress of the trial.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is in custody since 12.04.2023 and investigation is complete. The final report under Section 173 Cr.P.C. was filed on 17.12.2020 and only 3 witnesses out of 24 prosecution witnesses cited by the Investigating Officer, have been examined so far. The trial of the case is likely to take a long time to conclude. The culpability of the petitioner would be seen at the time of the trial.

6. Keeping in view the law laid down by Hon'ble Supreme Court of India in 'Prabhakar Tewari Vs. State of U.P. and Another', 2020 (1) R.C.R. (Criminal) 831 and Maulana Mohd. Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

7. Accordingly, the present petition is allowed. The petitioner is

ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

December 07, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No